

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Case No.: 02-00045 (SRC) (TJB)

SHAWN LENAHA and JOSEPH
KAPCSOS, On Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

v.

SEARS, ROEBUCK and CO.,

Defendant.

CONSENTS TO JOIN COLLECTIVE ACTION

William J. Pinilis (WJP2130)
KAPLAN FOX & KILSHEIMER LLP
237 South Street
Morristown, NJ 07960
Telephone: 973-656-0222
Fax: 973-401-1114

Laurence D. King
Linda M. Fong
Lori S. Brody
KAPLAN FOX & KILSHEIMER LLP
555 Montgomery Street, Suite 1501
San Francisco, CA 94111
Telephone: 415-772-4700
Fax: 415-772-4707

Todd M. Schneider
Guy B. Wallace
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, California 94104
Telephone: 415-421-7100
Fax: 415- 421-7105

Pursuant to the Fair Labor Standards Act (“FLSA”), 29 USC § 216, *et seq.*,
attached hereto are Consents to Join Collective Action (“Consents”) in the above matter.

Exhibit A contains Consents from Sears employees located in New Jersey.

Exhibit B contains Consents from Sears employees located outside of New Jersey.

Exhibit C contains Amended Consents from Sears employees.

DATED: October 22, 2004

Respectfully submitted,

KAPLAN FOX & KILSHEIMER LLP

By: /s/
William J. Pinilis (WJP2130)
237 South Street
Morristown, New Jersey 07960
Telephone: 973-656-0222
Fax: 973-401-1114

Laurence D. King
Linda M. Fong
Lori S. Brody
555 Montgomery Street, Suite 1501
San Francisco, CA 94111
Telephone: 415-772-4700
Fax: 415-772-4707

Todd M. Schneider
Guy B. Wallace
SCHNEIDER & WALLACE
180 Montgomery Street, Suite 2000
San Francisco, California 94104
Telephone: 415-421-7100
Fax: 415- 421-7105

Gabriel H. Halpern
PINILIS HALPERN LLP
 237 South Street
 Morristown, New Jersey 07960
 Telephone: 973-656-0222
 Fax: 973-401-1114

PROOF OF SERVICE

I, Arthur Bailey, declare that I am over the age of eighteen (18) and not a party to the within action. I am employed in the law firm of Kaplan Fox & Kilsheimer LLP, 555 Montgomery Street, San Francisco, CA 94111.

On October 25, 2004, I caused to be served the following document(s):

CONSENTS TO JOIN COLLECTIVE ACTION

To the below parties:

Attorney	Counsel for:
Richard Schnadig Thomas Abram VEDDER PRICE KAUFMAN & KAMMHOLZ 222 North LaSalle Street Chicago, Illinois 60601 Tel: 312-609-7500 Fax: 312.609-5005	Sears, Roebuck and Co.
Kevin R. Gardner CONNELL FOLEY LLP 85 Livingston Avenue Roseland, NJ 07068 Tel: 973-535-0500 Fax: 973-535-9217	Sears, Roebuck and Co.
Todd M. Schneider Guy Wallace SCHNEIDER & WALLACE 180 Montgomery Street, Suite 2000 San Francisco, CA 94104 Tel: 415-421-7100 Fax: 415-421-7105	Plaintiffs

Attorney	Counsel for:
Laurence D. King Linda M. Fong Lori S. Brody KAPLAN FOX & KILSHEIMER LLP 555 Montgomery Street, Suite 1501 San Francisco, CA 94111 Tel: 415-772-4700 Fax: 415-772-4707	Plaintiffs

____ (BY FACSIMILE) I sent such document from facsimile machine on the above date. I certify that said transmission was completed and that all pages were received and that a report was generated by the facsimile machine which confirms said transmission and receipt.

____ (U.S. MAIL) I placed the sealed envelope(s) for collection and mailing by following ordinary business practices of Kaplan Fox Kilsheimer LLP. I am readily familiar with Kaplan Fox Kilsheimer LLP's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

____ (PERSONAL SERVICE) I caused personal delivery of the document(s) listed above the person(s) at the address(es) set forth below.

XXX (BY OVERNIGHT DELIVERY) I caused the sealed envelope(s) or package(s) designated by the express service carrier to be placed for collection and overnight delivery by following the ordinary business practices of Kaplan Fox Kilsheimer LLP. I am readily familiar with Kaplan Fox Kilsheimer LLP's practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery the same day as the correspondence is placed for collection.

I declare under penalty of perjury under the laws of the United States of America and the State of New Jersey that the foregoing is true and correct.

Executed October 25, 2004, at San Francisco, CA.

 /s/
 Arthur Bailey